

AO 440 (Rev 1/90) Summons in a Civil Action

# United States District Court

SOUTHERN

NEW YORK

DISTRICT OF

MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,

Plaintiffs,

## SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 07 cv 9298

SHROID CONSTRUCTION INC.  
and MICHAEL MCGARRY,  
Defendants.

TO: (Name and Address of Defendant)

SHROID CONSTRUCTION INC.  
46-10 11TH STREET  
LONG ISLAND CITY, NY 11101

MICHAEL MCGARRY  
46-10 11TH STREET  
LONG ISLAND CITY, NY 11101

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.  
17 STATE STREET, 4TH FLOOR  
NEW YORK, NEW YORK 10004

20

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON

OCT 17 2007

CLERK

*Marcos Quintero*

DATE

BY DEPUTY CLERK

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate the appropriate method of service:*

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion than residing therein.

☐ Name of person with whom the summons and complaint were left: \_\_\_\_\_  
Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
--------	----------	-------

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date Signature of Server

\_\_\_\_\_  
Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedures.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MASON TENDERS DISTRICT COUNCIL

WELFARE FUND, et al.,,

Plaintiff(s),

Index No. 07 CV 9298

-against-

SHROID CONSTRUCTION INC. and MICHAEL  
MCGARRY,

Defendant(s).

AFFIDAVIT OF SERVICE

-----X  
STATE OF NEW YORK )

S.S.

COUNTY OF NEW YORK)

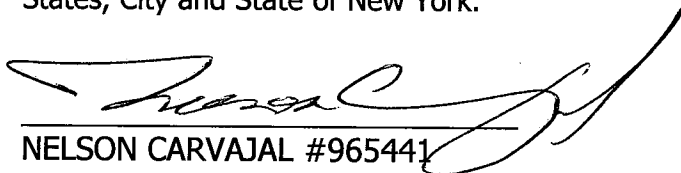
NELSON CARVAJAL, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 8<sup>th</sup> day of November 2007, at approximately the time of 9:08 pm, deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, INDIVIDUAL PRACTICES IN CIVIL CASE DENISE COTE AND PROCEDURES FOR ELECTRONIC CASE FILING** upon Michael McGarry at 23 Virginia Avenue, Rockville Centre, NY 11570, by personally delivering and leaving the same with his wife, Kathleen McGarry, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked if Michael McGarry is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Kathleen McGarry is a white female, approximately 47 years of age, stands approximately 5 feet 5 inches tall and weighs approximately 150 pounds with light brown hair and brown eyes wearing glasses.

That on the 9<sup>th</sup> day of November 2007, deponent served another copy of the foregoing upon Michael McGarry at 23 Virginia Avenue, Rockville Centre, NY 11570, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served,

and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.

  
NELSON CARVAJAL #965441

Sworn to before me this  
13<sup>th</sup> day of November, 2007

  
NOTARY PUBLIC

HOWARD DANIEL GOLDMAN  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01GO5062405  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES JULY 1, 2010